



July 27, 2011

By Electronic Filing

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Vonage Holdings Corp. Petition for a Limited Waiver - CC Docket No. 99-200

Dear Ms. Dortch:

The Voice on the Net Coalition (“VON Coalition”)¹ writes in support of Vonage Holding Corp.’s (“Vonage”) petition for a limited waiver of Section 52.15(g)(2)(i) of the Commission’s rules, 47 C.F.R. § 52.15(g)(2)(i).² That waiver would allow Vonage, a Voice over Internet Protocol (“VoIP”) service provider, to obtain numbering resources directly from the North American Numbering Plan Administrator (“NANPA”) and/or the Pooling Administrator (“PA”), in a fashion similar to the waiver granted to SBC Internet Services, Inc. (“SBCIS”) in 2005.³

Vonage has recently filed *ex parte* notices regarding its petition for a waiver, prompting a letter of objection from Comptel.⁴ In that letter Comptel argues that Vonage has not met the burden of showing that a waiver is appropriate, and that if it is in the public interest to allow providers like Vonage direct access to numbering resources, the Commission should address the issue through a rulemaking proceeding instead of granting waiver requests.⁵

The VON Coalition maintains that giving Vonage the right to access numbers directly from NANPA and the PA promotes innovation and competition consistent with the Commission’s objectives and the public interest. Granting Vonage’s petition for a limited waiver of Section 52.15(g)(2)(i) is the appropriate procedure for achieving these goals. Comptel’s protests otherwise are misguided.

As set forth in the *SBCIS Order*, the Commission may exercise its discretion to grant a waiver request if “good cause” is demonstrated⁶ and where the “particular facts make strict compliance

¹ The VON Coalition works to advance regulatory policies that enable Americans to take advantage of the promise and potential of IP enabled communications. VON Coalition members are developing and delivering voice and other communications applications that may be used over the Internet. VON Coalition members include AT&T, Broadvox, BT, Google, iBasis, Microsoft, Nextiva, Skype, T-Mobile, Vonage and Yahoo.

² Vonage Holdings Corp., Petition for Limited Waiver, CC Docket No. 99-200 (Mar. 4, 2005) (“Vonage Petition”).

³ See In the Matter of Administration of the North American Numbering Plan, *Order*, FCC 05-20 (Feb. 1, 2005) (“*SBCIS Order*”).

⁴ Comptel, Ex Parte Letter, CC Docket No. 99-200 (June 20, 2011) (“Comptel Letter”).

⁵ *Id.*

⁶ See 47 C.F.R. § 1.3.



inconsistent with the public interest.”⁷ A party seeking a waiver bears a heavy burden of showing that deviation from the rules is in the public interest.⁸ Vonage has met this burden.

Allowing Vonage to obtain numbering resources directly from NANPA and/or the PA will streamline development of IP enabled services interconnected to the public switched telephone network (“PSTN”). It will encourage the deployment of broadband infrastructure, stimulate competition in the market for voice communications, and ultimately create more meaningful and varied choices for consumers. Each of these results furthers the Commission’s goals and benefits the American public.⁹

Moreover, the Commission should grant Vonage’s petition for a limited waiver of Section 52.15(g)(2)(i) as opposed to initiating a rulemaking proceeding. Evaluating an individual waiver application allows the Commission to further its competitive and public interest objectives while overseeing that numbering resources are administered in an efficient and effective manner. As Vonage has noted, an individual waiver is also more expeditious than a rulemaking proceeding, enabling consumers of Vonage’s VoIP services to more swiftly benefit from the Commission’s actions.¹⁰

Contrary to Comptel’s argument that the 2007 *VoIP LNP Order* forecloses VoIP service providers from obtaining numbering resources directly from the NANPA through individual waivers,¹¹ the *VoIP LNP Order* does not have such effect. The Commission explicitly acknowledged that the *VoIP LNP Order* did not determine the outcome of existing waiver petitions such as Vonage’s.¹² Nor did the *VoIP LNP Order* change the Commission’s policy that non-carriers may, by waiver, access numbering resources directly from NANPA and/or the PA.¹³ Although VoIP services providers are not and should not be required to obtain numbers directly from NANPA and/or the PA, individual waivers for interconnected VoIP service providers such as Vonage continue to be available and continue to serve the Commission’s competitive goals and the public interest.

⁷ See *SBCIS Order* at ¶ 3 (citing *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990)).

⁸ *Id.*

⁹ See *SBCIS Order* at ¶¶ 4, 6, 8; Vonage Petition at 5; Vonage Holdings Corp., Ex Parte Letter, CC Docket No. 99-200 (July 13, 2011) (“Vonage Letter”). Furthermore strict adherence to Section 52.15(g)(2)(i) in this case is not necessary to “ensure that the numbers are used efficiently and ... avoid number exhaust.” In the Matter of Telephone Number Requirements for IP-Enabled Service Providers et al., *Report and Order, Declaratory Rulemaking, Order on Remand, and Notice of Proposed Rulemaking*, FCC 07-188 at ¶ 20 (rel. Nov. 8, 2007) (“*VoIP LNP Order*”). Vonage readily agrees to comply with all of the conditions imposed upon SBCIS, conditions that have already been found to protect these interests. See Vonage Petition at 6; *SBCIS Order* at ¶¶ 9-10.

¹⁰ See Vonage Letter.

¹¹ See Comptel Letter (arguing that the Commission’s statement in its *VoIP LNP Order* that “many interconnected VoIP providers may not obtain numbering resources directly from the NANPA because they will not have obtained a license or a certificate of public convenience and necessity...” means that waivers are no longer appropriate for non-carriers).

¹² See *VoIP LNP Order* at ¶ 20, n. 59.

¹³ *Id.* at ¶ 20.



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For the foregoing reasons, the Commission should expeditiously grant Vonage's pending request for a limited waiver.

Respectfully,

VOICE ON THE NET COALITION
Glenn S. Richards
Executive Director
2300 N Street, NW
Washington, D.C. 20037
(202) 663-8215